ORIGINAL

Decision No. 54854

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ANTELOPE VALLEY WATER CO., a corporation, to operate as a public utility a water system already constructed; to extend said system; to exercise rights under a county franchise to be applied for; and to issue stock.

Application No. 38284 as amended

Sanford A Waugh, attorney, for applicant.

Edward C. Webb, vice president, for Westside Park

Mutual Water Company; L. W. Peters, president,
for White Fence Farms Mutual Water Company,
White Fence Farms Mutual Water Company No. 2,
and White Fence Farms Mutual Water Company
No. 3; George Goldman, attorney, and Warner S.
Briggs, general manager and secretary, for
El Dorado Mutual Water Co., protestants.

Blair W. Taylor, president, and George A. Bechner,
secretary, for Antelope Mutual Water Company;
A. E. Finch, secretary and manager, for Quartz
Hill County Water District, interested parties.

James G. Shields and A. L. Gieleghem, for the
Commission staff.

OPINION

Antelope Valley Water Co., ² a corporation, by the above-entitled application filed July 23, 1956, as amended February 15, 1957, seeks a certificate of public convenience and necessity defining the area within which it is authorized to furnish water as a public utility water corporation, and seeks authority to exercise county franchises to be sought from Los Angeles and Kern Counties. Authority is also sought to issue 500 shares of no-par value stock to William N. Taylor and Katie S. Taylor, husband and wife, in

I The protests of Westside Park Mutual Water Company and of the White Fence Farms Mutual Water Companies were withdrawn at the hearing.

² Hereinafter referred to as applicant.

exchange for water system properties and working cash. The areas for which a certificate is requested are shown on the sketch, Exhibit "E", attached to the original application, and on the maps, Exhibits "E-l" and "E-2", attached to the amendment to the application.

Public hearings on this matter were held before Examiner Stewart C. Warner on February 27 and March 1, 1957, at Lancaster. As noted, the protests of the White Fence Farms Mutual Water companies and Westside Park Mutual Water Company were withdrawn at the hearing; El Dorado Mutual Water Company protested the application only in so far as said application applied to the S½ of Sec. 4, T. 6 N., R. 12 W., S.B.B.& M.; and Quartz Hill County Water District, by its letter dated February 21, 1957 (Exhibit No. 1), withdrew any objection to the application as amended.

General Information

Applicant's Articles of Incorporation were filed with the Secretary of State on June 29, 1956. Said Articles provide that applicant's first directors are William N. Taylor, Katie S. Taylor, and Sanford A. Waugh, all of Lancaster. William N. Taylor, applicant's president, is a licensed contractor and has been engaged in pipeline construction work for the past 10 years. He has installed many water installations in Antelope Valley, and has constructed water systems for several mutual water companies in the area, including the three White Fence Farms companies, Antelope Mutual Water Company, Taylor Mutual Water Company, and others. Katie S. Taylor, his wife, is a bookkeeper with 23 years of bookkeeping and office experience, and is applicant's secretary-treasurer. Sanford A. Waugh is an attorney at law. The offices of applicant will be maintained at Taylor's residence at 2039 West Avenue M, Lancaster. Said residence is located within the originally proposed service area (Area A infra).

which provides for the transfer of water system properties and rights pertaining thereto to Taylor, the individual.

Exhibit "D" attached to the application is a contract between Antelope Mutual Water Company and William N. Taylor, an individual, executed in July, 1956, which, likewise, provides for the transfer of water system properties and rights pertaining thereto to said Taylor or applicant.

The consideration in each of said contracts, Exhibits "C" and $^{m}D^{m}$, is the furnishing of water service to the present consumers of the mutuals by Taylor, the individual, or by a corporation to be formed by him.

Taylor Mutual has six consumers, and Antelope Mutual has about 40 consumers.

Description of Applicant's Proposed Water System in Area A

Taylor, the individual, will acquire, and transfer to applicant, a 12-inch well of Taylor Mutual, 435 feet in depth, in which is installed a pump driven by a 40-hp electric motor. Said pumping plant installation has a production capacity of 330 gallons per minute, and discharges into a 22,000-gallon tank, located adjacent to said plant. From said tank, water is transmitted by a 20-hp booster pump, through a 5,000-gallon pressure tank, into the distribution system. The distribution system is composed principally of 6- and 8-inch welded steel pipe, and some 2-inch pipe at the extremity of the system.

Taylor, the individual, will acquire, and transfer to applicant, a 12-inch well of Antelope Mutual, 540 feet in depth, in which is installed a pump driven by a 25-hp electric motor. Said pumping plant installation has a production capacity of approximately 225 gallons per minute, and discharges through a 10,000-gallon pressure tank into the distribution system which is composed principally of 6-inch welded steel mains.

Applicant proposes to interconnect the two existing mutual water companies' systems by the installation of approximately 780 feet of pipe.

Proposed Rates, Area A3

Applicant proposes to continue the existing mutual companies' rates, except that it is proposed to eliminate the existing
\$1 per acre per month standby charge. However, applicant proposes to
install meters to the extent that metering installations can be
financed.

³ Also Area C, as noted hereinafter.

The proposed flat rates are \$5 per house per month for domestic use only; \$7.50 per house per month, including livestock, chickens or swimming pool, and \$10 per month for irrigation water.

The proposed meter rates are as follows:

0 - 1,000 cu.ft., per 100 cu.ft. \$0.25 1,000 - 4,500 cu.ft., per 100 cu.ft. .15 Over 5,000 cu.ft., per 100 cu.ft. .10

Requests From Property Owners and Subdividers for Water Service in Area A

Exhibit No. 2 is a letter dated July 2, 1956, from six owners of property in Section 32, not mutual company consumers, requesting water service to their properties totaling 20 acres in said section.

Exhibit No. 3 is a letter, dated February 24, 1957, from the owner of 5 acres of property in the NWt of Sec. 4, and Exhibit No. 4 is a letter, dated February 25, 1957, from the owner of approximately 48 acres, also in the NWt of Sec. 4. Each of said property owners requested water service by applicant to his property.

No requests for service in the $S_{\overline{Z}}^{\frac{1}{2}}$ of Sec. 4 or in the $E_{\overline{Z}}^{\frac{1}{2}}$ of the NEt of Sec. 6 were submitted or received. However, it was the opinion of applicant's president that applicant could operate more economically and efficiently in the enlarged areas as proposed than in any smaller areas.

Protest by El Dorado Mutual Water Company

El Dorado Mutual Water Company protested the application in so far as it pertained to the St of Sec. 4 on the grounds that said mutual was furnishing water service to 160 of its stockholders in Sec. 9; and that, at some future time, El Dorado might elect to expand its service area, or form a public utility water company, to serve its present area and such expanded area.

A-38284 Amd. Application for a Los Angeles County Franchise Applicant has applied to the Los Angeles County Board of Supervisors for a franchise to use the county roads and highways for the installation of pipelines. Said application has not been acted upon by said Board of Supervisors. Description of Proposed Area B Applicant's proposed Area B is located in Kern County about 2 miles cast of Inyokern and about $4\frac{1}{2}$ miles west of the west gate of the China Lake Naval Ordnance Test Station, on the south side of State Highway No. 212. The area comprises 134 lots of Record of Survey No. 1865 of Kern County, which comprises a total of 497 lots, of which 60 lots have been sold. Taylor, as an individual, proposes to construct a water system to supply water to and within Area B in accordance with the contract Exhibit "C-1", dated February 11, 1957, between First Western Bank and Trust Company, Everett T. Calvert and Leo L. Strecker, and said Taylor. Taylor agrees to install the water system for \$40,850. Said amount is to be advanced by the subdivider and is subject to refund by Taylor. Applicant will acquire this water system from Taylor in exchange for applicant's stock. Description of Applicant's Proposed Water System in Area B Applicant proposes to acquire from Taylor (he, having acquired it from the subdividers) a 16-inch well located on Lot No. 55 of the subdivision. Said well was drilled in 1923 to a depth of 311 feet, and Taylor proposes to install a pumping plant therein consisting of a pump driven by a 15-hp electric motor, which will have a production capacity of 200 gallons per minute, and will discharge through a 2,500-gallon pressure tank into the distribution system. Applicant's president testified that a storage tank would be installed, and additional sources of water supply would be obtained, -6by applicant, as additional customers were connected to the system and as demands for water service increased. The distribution mains to be installed will consist of an 8-inch transite pipeline feeding into 4- and 6-inch transite lateral mains.

Proposed Rates for Area B

Applicant proposes a flat rate of \$5 per house per month for domestic use, only, and the following schedules of domestic and commercial meter rates:

Domestic Rate:

	600	cubic	feet	or less	• • • • • •	\$3.00			
	1,000	cubic	feet	• • • • • • •		-30	per	100	cu.ft.
Over	3,400	cubic	foot	• • • • • •	• • • • • • • • •	-25	per	100	cu.ft.
0167	5,000	Casic	1660	• • • • • • •	• • • • • • • •	-20	per	TOO	cu.ft.

Commercial Rate:

	600	cubic	feet	or less	• • • • • • •	\$3.00			
	1,000	cubic	feet	•••••	<i></i>	-25	per	100	cu.ft.
	1.400	cublc	I CCT.			-20	per	100	cu - ft.
Over	3,000	cubic	feet	• • • • • • •		-15	per	100	cu.ft.

No justification for the establishment of a separate commercial meter rate is of record, and applicant agreed to a combined domestic-commercial meter rate.

Application for a Kern County Franchise

Applicant has applied to the Kern County Board of Supervisors for a franchise to install pipelines within, under and through the Kern County roads. No action on said application has been taken by the said Board of Supervisors.

Description of Proposed Area C

Applicant's proposed Area C comprises 40, 2½-acre lots totaling 100 acres, being Record of Survey No. 2346, which is a portion of the SW± of Sec. 19, T. 8 N., R. 10 W., S.B.B.& M., located north and east of Lancaster on Avenue E at 80th Street East. Water service will be furnished to this area in accordance with the contract, Exhibit "C-2", executed February 11, 1957, between

Andrew Bongiovanni and Angela Bongiovanni, brother and sister, and William N. Taylor, an individual.

Description of Applicant's Proposed Water System in Area C

The Bongiovannis have contracted with Taylor to transfer to Taylor a well and two, 40-hp electric motors and pumps; one to be installed in said well, and one to be utilized for standby purposes. The water system installation, including the well, well site, pumps and motors, a pressure tank, a 21,000-gallon storage tank, and 4- and 6-inch transite pipelines, will be effected by Taylor for a cost of \$14,500, which will be advanced to Taylor by the Bongiovannis, subject to refund by Taylor. Applicant will acquire this water system from Taylor in exchange for applicant's stock.

Proposed Rates for Area C

Applicant proposes to apply its rates for Area A, hereinbefore outlined, to Area C.

Financing

Although precise data are not available regarding the historical cost of the water systems of the mutual water companies proposed to be acquired by applicant from Taylor, the record shows that such data can be obtained. Exhibit No. 11, a Commission staff engineering report on applicant's operations for Area A, indicates that the approximate depreciated historical cost, as of December 31, 1956, of applicant's proposed systems in Area A, was \$31,532. As noted hereinbefore, the estimated cost of the water system installation in Area B of \$40,850 and the cost of \$14,500 for the installations in Area C, are to be advanced by the subdivider to Taylor, who, by contract, has agreed to refund such advances. All of these properties, in turn, are to be transferred by Taylor to applicant in exchange for applicant's stock. Applicant's president's personal financial

statement, as of May 31, 1956 (Exhibit B), showed total assets of \$123,298.07, which he has agreed and is prepared to commit to applicant in the form of loans, collateral for loans, or for the purchase of applicant's stock. Further, applicant's president has assets in another wholly owned corporation totaling \$200,000, with monthly income of \$400, all of which would and will be used as security for applicant's operations.

Growth of the Areas

A Commission staff engineering witness estimated that Area A would have an average of 48 consumers during 1957; Area B, 7; Area C, 4, for an average total of 59 consumers for the year. During 1958, consumers would increase to 60 in Area A, 14 in Area B, and 10 in Area C, for a total of 84; and in 1959, 72 in Area A, 20 in Area B, and 20 in Area C, for a total of 112.

Staff Recommendations

The Commission staff made the following recommendations:

- That the existing mutual water companies' systems in Area A be interconnected prior to June 1, 1957.
- That a flat rate be established for residential use, only, and that the proposed flat rate for irrigation service be eliminated.
- 3. That a firm program for the installation of meters be established.
- 4. That applicant adopt the straight-line remaining life method of depreciation; the composite rate on depreciable utility plant in Area A to be 4.1 per cent, and in Areas B and C to be 3.1 per cent; each of such rates to be subject to periodic review by applicant and by the Commission.

Findings and Conclusions

From a review of the record the Commission finds and concludes that the application for a certificate of public convenience and necessity should be granted in part and denied in part. Since no public convenience and necessity was shown for water service authorization and operations in the S_2^1 of Sec. 4 and in the E_2^1 of the NEt of Sec. 6, both in Area A, those portions of the application will be denied. Further, applicant should be and will be restricted from extending its water system into the S_2^1 of Sec. 4 without further order of the Commission. In all other respects the application for a certificate will be granted subject to the following provision of law:

That the Commission shall have no power to authorize the capitalization of this certificate of public convenience and necessity or the right to own, operate, or enjoy such certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State as the consideration for the issuance of such certificate of public convenience and necessity or right.

The action taken herein shall not be construed to be a finding of the value of the property herein described.

While the contracts received in evidence, Exhibits Nos. "C-1" and "C-2", supra, are made in each instance by Taylor as an individual, and require refunds to be made by Taylor which are substantially in accord with standard procedures established by the Commission, the record shows that Taylor has caused applicant corporation to be organized for the primary purpose of engaging in the business of supplying water for domestic and irrigation purposes as a public utility. The record also shows that Taylor proposes to convey the water systems hereinbefore described to applicant in exchange for the issue by applicant to Taylor of an aggregate number of 500 shares of applicant's capital stock, all as hereinbefore noted. The transactions, as planned by the parties and as presented to the Commission, will thus leave the respective obligations to make the standard refunds exclusively upon Taylor as an individual, which will, in turn, relieve applicant of all such obligations. Dr. Everett T. Calvert, for himself and in behalf of his associates, Mr. Leo L. Strecher and First Western Bank and Trust Company, and

Mr. Andrew Bongiovanni, for himself and his sister, Miss Angela Bongiovanni, each appeared and testified at the hearings.

While neither of said witnesses objected to the refund provisions of the respective contracts, the Commission feels that applicant should procure from First Western Bank and Trust Company and Messrs. Everett T. Calvert and Leo L. Strecher on the one hand, and Mr. Andrew Bongiovanni and Miss Angela Bongiovanni on the other hand, respective written stipulations directed to the Commission, duly executed and acknowledged, under the terms of which each of said parties agrees specifically to accept Taylor as the sole and exclusive obligor to make the refunds specified in the respective contracts, and each specifically releases and discharges applicant from any such obligations. The order which follows will so condition the certificate granted applicant herein.

Applicant will be authorized to file its proposed rates, except in so far as they cover a flat rate for irrigation service, inasmuch as, (1) they appear to be comparable to the rates of other public utility water companies operating in the desert and semidesert areas, (2) they do not constitute an increase in rates to the consumers of the mutual companies proposed to be acquired by applicant, (3) no protests thereto were filed and, (4) Exhibit No. 12 shows that the proposed rates would not produce an excessive rate of return based on estimated operations for the years 1957, 1958, and 1959.

Applicant's request_ that it be authorized to issue 500 shares of no-par value stock to William N. Taylor, and Katie S. Taylor, husband and wife, for the acquisition by and transfer to it of all of the water system properties in Taylor's name in Areas A, B, and C, appears to be reasonable and will be authorized by the order which follows.

Applicant should certify in writing to the Commission when it possesses clear title to the wells, well sites, and water system

- 9. Upon the filing by applicant of a supplemental application, or applications, to which are attached a copy of the franchise issued by the Board of Supervisors of the County of Los Angeles and a copy of the franchise issued by the Board of Supervisors of the County of Kern as hereinabove provided, the Commission will issue a certificate, or certificates of public convenience and necessity authorizing applicant to exercise such franchise, or franchises, upon such terms and conditions as the Commission may designate.
- 10. That the application as amended, except as specifically herein granted, be, and it is, denied.

The effective date of this order shall be twenty days after the date hereof.

	Dated at _	San Francisco	, California, this day
of _	Capal	, 1957.	
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		-	President.
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Schedule No. LN-1

Lancaster Tariff Area

CENERAL METERED SERVICE

APPLICABILITY

Applicable to all metered water service.

TERRITORY

Two unincorporated areas, one of which is located approximately 4 miles southwesterly, and the other approximately 13 miles northeasterly of Lancaster, Los Angeles County.

RATES	Per Meter
Quantity Rates:	Per Month
First 1,000 cu.ft. or less Next 4,000 cu.ft., per 100 cu.ft. Next 5,000 cu.ft., per 100 cu.ft. Over 10,000 cu.ft., per 100 cu.ft. Minimum Charge:	15
For 5/8 x 3/4-inch meter For 3/4-inch meter For 1-inch meter For 12-inch meter For 2-inch meter	3.50 5.00 8.00

The Minimum Charge will entitle the customer to the quantity of water which that minimum charge will purchase at the Quantity Rates.

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Schedule No. LN-2RLX Lancaster Tariff Area LIMITED TEMPORARY RESIDENTIAL FLAT RATE SERVICE

APPLICABILITY

Applicable to all residential water service furnished on a flat rate basis.

TERRITORY

Two unincorporated areas, one of which is located approximately 4 miles southwesterly, and the other approximately 13 miles northeasterly of Lancaster, Los Angeles County.

RATES		Per Service Connection Per Month
	For a single family residence, including promises not exceeding 2 acros in area	\$5 . 00
	In addition, for watering not more than 5 head of livestock and 200 chickens	2.50

SPECIAL CONDITIONS

- l. The above residential flat rate charges apply to service connections not larger than 1 inch in diameter.
- 2. All service not covered by the above classification will be furnished only on a metered basis.
- 3. A meter may be installed at option of utility or customer for above classification in which event service thereafter will be furnished only on the basis of Schedule No. LN-1, General Motered Service.
- 4. Service under this schedule will be furnished only to existing customers until such time as meters are installed.
- 5. This schedule will be effective only to and including December 31, 1959, and thereafter will be withdrawn.

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Schedule No. KN-1

Invokern Tariff Area

GENERAL METERED SERVICE

APPLICABILITY

Applicable to all metered water service.

TERRITORY

The unincorporated area adjacent to State Highway No. 112 approximately 2 miles easterly of Invokern, Kern County.

RATES	Per Meter
Quantity Rates:	Per Month
First 600 cu.ft. or less Next 1,000 cu.ft., per 100 cu.ft. Next 1,400 cu.ft., per 100 cu.ft. Next 2,000 cu.ft., per 100 cu.ft. Over 5,000 cu.ft., per 100 cu.ft. Minimum Charge:	30 25 20
For 5/8 x 3/4-inch meter For 3/4-inch meter For 1-inch meter For 12-inch meter For 2-inch meter	4.00 6.00 8.50

The Minimum Cherge will entitle the customer to the quantity of water which that minimum charge will purchase at the Quantity Rates.

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Schedule No. KN_2RLX

Invokern Tariff Area

LIMITED TEMPORARY RESIDENTIAL FLAT RATE SERVICE

APPLICABILITY

Applicable to all residential water service furnished on a flat rate basis.

TERRITORY

The unincorporated area adjacent to State Highway No. 112 approximately 2 miles easterly of Inyokern, Kern County.

RATES

Per Service Connection
Per Month

For a single family residence, including premises not exceeding ly acres in area

\$5.00

SPECIAL CONDITIONS

- 1. The above residential flat rate charge applies to service connections not larger than 1 inch in diameter.
- 2. All service not covered by the above classification will be furnished only on a metered basis.
- 3. A meter may be installed at option of utility or customer for above classification in which event service thereafter will be furnished only on the basis of Schedule No. KN-1, General Metered Service.
- 4. Service under this schedule will be furnished only to existing customers until such time as meters are installed.
- 5. This schedule will be effective only to and including Docember 31, 1959, and thereafter will be withdrawn.